

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/088,664	HUANG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dr. Kailash C. Srivastava	1657	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview Summary filed 10/30/2006.
2. ☒ The allowed claim(s) is/are 22,26-28,30-32, 34-37 & 49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>11.08.2006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                           |
|  | 9. <input type="checkbox"/> Other _____.   |

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### ***Examiner's Amendment and Comments***

1. Applicants' response and amendment filed 18 August 2006 to Office Action of 20 April 2006 is acknowledged and entered.
2. The Art Unit Location to which your application has been assigned at the United States Patent and Trademark Office (i.e., USPTO) is changed to Art Unit 1657 and is assigned to Dr. Kailash C. Srivastava. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Examiner Kailash C. Srivastava in Art Unit 1657.

### **Claims Status**

3. Claims 1-21, 23-25, 29, 33, 38-48 and 50-51 have been cancelled.
4. Claims 26, 30, 34-37 and 49 have been amended.
5. Claims 22, 26-28, 30-32, 34-37 and 49 are pending and are examined on merits.

### ***Examiner's Amendment***

6. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview on 08 November 2006 with Ms. J. Chheda, Applicants' Representative.

### **In the Claims:**

The following listings of the claims will replace all prior versions and listings of the claims in this application:

1-21. (Cancelled).

22. (Currently Amended) A method for treating colon cancer in a human, comprising administering to a said human in need of such treatment an effective amount of a composition comprising the following flavone components: 5, 6, 7, 3', 4'-pentamethoxyflavone; 5, 6, 7, 8, 3', 4'-hexamethoxyflavone; 5, 6, 7, 8, 4'-pentamethoxyflavone; 5-hydroxy-6, 7, 8, 3', 4'-pentamethoxyflavone; 5-hydroxy-7, 8, 3', 4'-tetramethoxyflavone; 5, 7-dihydroxy-6, 8, 3', 4'-tetramethoxyflavone; 5, 7, 8, 3', 4'-pentamethoxyflavone; 5, 7, 8, 4'-tetramethoxyflavone; 3, 5, 6, 7, 8, 3', 4'-heptamethoxyflavone; 5-hydroxy-3, 6, 7, 8, 3', 4'-hexamethoxyflavone; 5-hydroxy-6, 7, 8, 4'-tetramethoxyflavone; 5, 6, 7, 4'-tetra methoxyflavone; 7-hydroxy-3, 5, 6, 8, 3', 4'-hexamethoxyflavone; and 7-hydroxy-3, 5, 6, 3', 4'-pentamethoxyflavone.

23.-25. (Canceled)

26. (Previously Presented) The method of claim 22, wherein the composition is a dietary supplement.

27. (Currently Amended) The method of claim 26, wherein the amount administered corresponds to an approximately 5000 ppm supplement of the human's diet.

28. (Previously Presented) The method of claim 26, wherein the amount administered corresponds to approximately 0.2% of the human's diet.

29. (Canceled)

30. (Previously Presented) The method of claim 22, wherein the composition is a food supplement.

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31. (Currently Amended) The method of claim 30, wherein the amount administered corresponds to an approximately 5000 ppm supplement of the human's diet.
32. (Previously Presented) The method of claim 30, wherein the amount administered corresponds to approximately 0.2% of the human's diet.
33. (Canceled)
34. (Currently Amended) The method of claim 22, wherein the composition is administered in the form of a capsule.
35. (Currently Amended) The method of claim 22, wherein the composition is administered in the form of a tablet.
36. (Currently Amended) The method of claim 22, wherein the composition is administered in the form of a pill.
37. (Previously Presented) The method of claim 22, wherein the composition further comprises resveratrol, hydroxylated analogs of resveratrol, or methoxylated analogs of resveratrol.
38. -48 (Canceled)
49. (Currently Amended) The method of claim 22, wherein the composition further comprises a rosemary extract, a black tea extract, a Mexican Bamboo extract, or a ~~Huzhang~~ Huzhang extract.
50. -51. (Canceled).

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### Examiner's Reasons For Allowance

7. The following is Examiner's statement of reasons for allowance:

The closest art is:

- JP 2000083654 to Lotte Co Ltd., Published 28 March 2000.

The cited art method teaches a composition comprising dried orange peel extract to prevent intestinal disorders including colon cancer (English Abstract, Lines 1-10. Note that applicants' claim 22 is drawn to a method to treat colon cancer in a human comprising administering to said human a composition comprising flavone components, most of which are obtained from the orange peel extract. Furthermore, because of the "comprising" language in the independent claim, the composition in the claimed method reads on the orange peel extract. However, JP 2000083654 was printed after the applicants' claimed invention's priority date of

Thus, none of the pertinent art teachings teach a method of treating a human colon cancer comprising administering to a human being in need thereof a composition comprising the same ingredients, compositions or steps as are claimed in the instantly claimed invention.

8. Any comments considered necessary by applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


9. Claims 22, 26-28, 30-32, 34-37 and 49 are allowed.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kailash C. Srivastava whose telephone number is (571) 272-0923. The examiner can normally be reached on Monday to Thursday from 7:30 A.M. to 6:00 P.M. (Eastern Standard or Daylight Savings Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Jon Weber can be reached at (571)-272-0925 Monday through Thursday 7:30 A.M. to 6:00 P.M. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (i.e., PAIR) system. Status

information for the published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (i.e., EBC) at: (866)-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Kailash C. Srivastava, Ph.D.  
Patent Examiner  
Art Unit 1657  
(571) 272-0923

November 10, 2006

  
CHRISTOPHER R. TATE  
PRIMARY EXAMINER